



# Proposed Regulation for the Measurement of Agricultural Water Deliveries

## PUBLIC HEARING

August 24, Sacramento

September 8, Fresno

9am-12noon

Department of Water Resources

Water Use and Efficiency

[www.water.ca.gov](http://www.water.ca.gov)

# Public Hearing Body

- The public hearing body consists of a Department public hearing officer and other Department representatives.
- The Department will take meeting minutes of this public hearing.
- The Department will also make an audio recording of this public hearing.



# Attendance Sheet

- The attendance sheet is for everyone – both speakers and non-speakers.
- Today's attendance sheet will be added to our mailing list to notify all interested parties of any rulemaking announcements and actions.
- Please be sure to sign the attendance sheet.

# Exhibits

on display at the sign-in table

- **Exhibit A** Notice of Proposed Rulemaking, as published in the California Regulatory Notice Register, July 22, 2011.
- **Exhibit B** Text of Water Measurement Regulation
- **Exhibit C** Initial Statement of Reasons for the proposed regulation.

Exhibits A, B, and C were duly noticed more than 45 days prior to  
The last public hearing and sent to interested parties  
and those who requested rulemaking notices.

# Oral Testimony

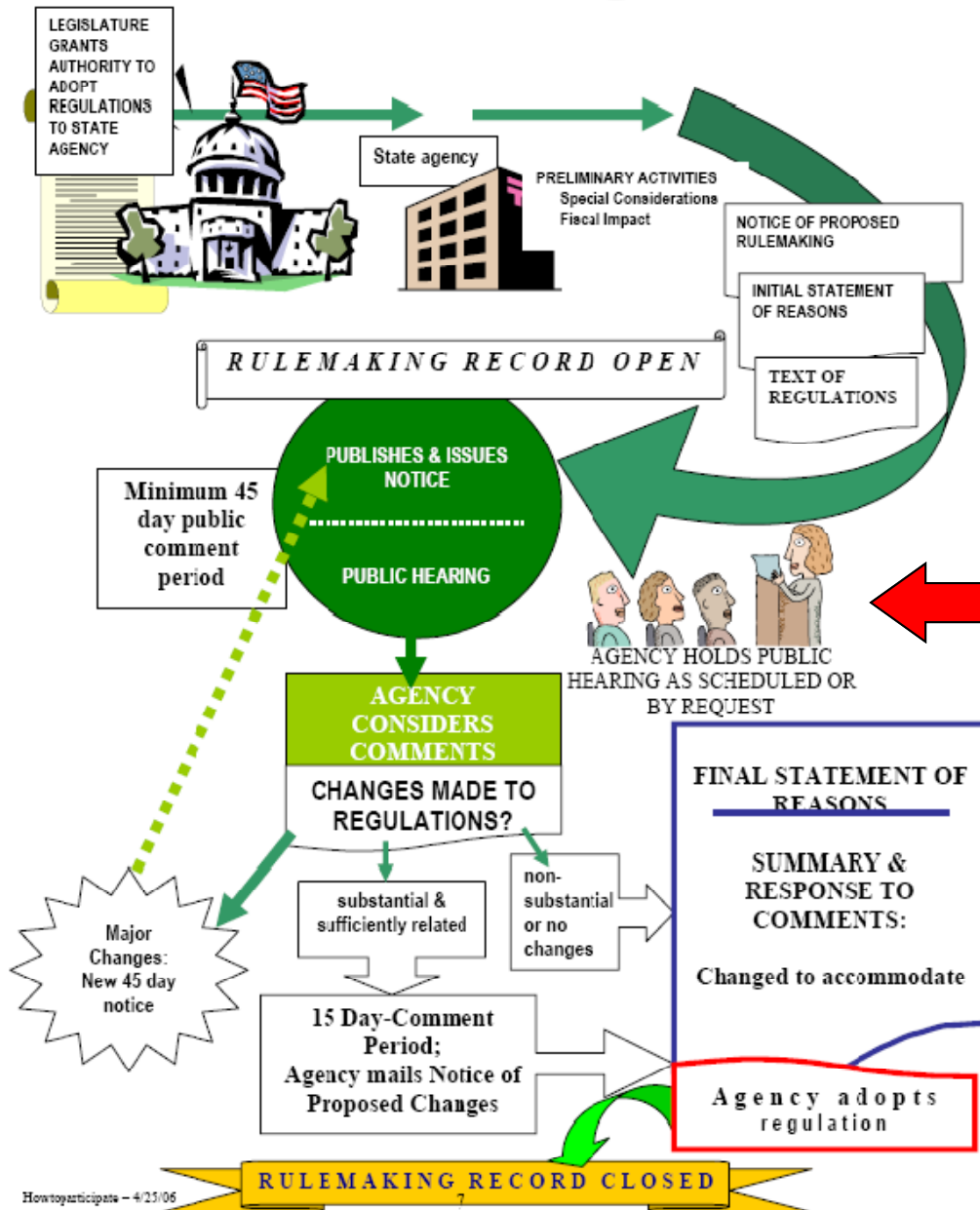
- Oral testimonies will be in the order of speakers listed on the attendance sheet.
- The Department will **accept** public comment only and **will not respond** to any comments and testimonies during the public hearing.
- Speakers will please state their name and affiliation (if any).
- If possible, speakers will please provide the page or section numbers of the regulation to which their comments refer to.
- Oral testimonies should be addressed to the public hearing body, should be relevant to the proposed regulation, should be professional, and should not be of a personal nature.
- The public hearing officer may impose a time limit (dependant upon the number of commenter's).

# Administrative Procedures Act

The public hearings are being conducted according to the Administrative Procedures Act (APA).

APA is a set of requirements and standards for the rulemaking process, including public hearings, that state agencies must follow.

# The Rulemaking Process



We are HERE

# Convening



- We convene here today, August 24, at 9:00 am, to receive public comments on a proposed rulemaking action by the Department of Water Resources.
- Today's public hearing will conclude at 12 noon.
- The Department has proposed changes to the California Code of Regulations, Title 23, Division 2, Chapter 5.1, commencing with Section 597.
- We will refer to this regulation as the "Agricultural Water Measurement Regulation".



# Inputs to the Proposed Regulation

- SBX 7-7 Statute of 2009
- Ag Water Measurement Workgroup
- Literature Review
- Analysis Water Measurement Devices and other data
- Emergency Regulation Criteria



# SBX7-7 Statute of 2009 §10608.48(b) of the California Water Code

Requires,

- *Agricultural water suppliers shall implement all of the following critical efficient management practices:*
- *Measure the volume of water delivered to customers with sufficient accuracy to comply with subdivision (a) of Section 531.10 and to implement paragraph (2).*
- *(2) Adopt a pricing structure for water customers based at least in part on quantity delivered*



# The Statute cont.

- This regulation provides a range of water measurement options that allow agricultural water suppliers to implement the aforementioned critical EWMPs to comply with the requirements of Section 10608.48 (b). The initial adoption of the regulation was deemed an emergency by the Legislature pursuant to subdivision 10608.48(i)(2) of the California Water Code.

# Basic Applicability

- Agricultural water suppliers providing water to less than 10,000 irrigated acres, excluding acres that receive only recycled water, are not subject to this article.
- Agricultural water suppliers providing water to 10,000 or more irrigated acres but less than 25,000 irrigated acres, excluding acres that receive only recycled water, are not subject to this article unless sufficient funding is provided specifically for that purpose, as stated under Water Code §10853.
- Agricultural water suppliers providing water to 25,000 irrigated acres or more, excluding acres that receive only recycled water, shall be subject to this article.

# Text of Regulation

- The text of the proposed regulation provides agricultural water suppliers with:
- The criteria needed to determine applicability of the water measurement requirement
- Definitions needed to clarify terms used in the regulation and specify the meanings for the purposes of applicability of the regulation
- A range of water measurement options for various conditions
- Accuracy standards for water measurement devices and provisions for certification and performance requirements.

# Purpose of Public Hearing

- The purpose of today's public hearing is for the Department to receive public input on the proposed regulation.
- This is a quasi-legislative public hearing as part of the Department's rulemaking function delegated to it by the California Legislature per SBx7 7, Chapter 559, Statutes of 2009.
- The Department's Notice was published in the California Regulatory Notice Register July 22, 2011.
- Under the Office of Administrative Law's Administrative Procedures Act or APA, this is the time and place set for the presentation of statements, arguments and contentions, oral or written, for or against, the proposed changes to the Water Measurement Regulation.

# After the Public Comment Period

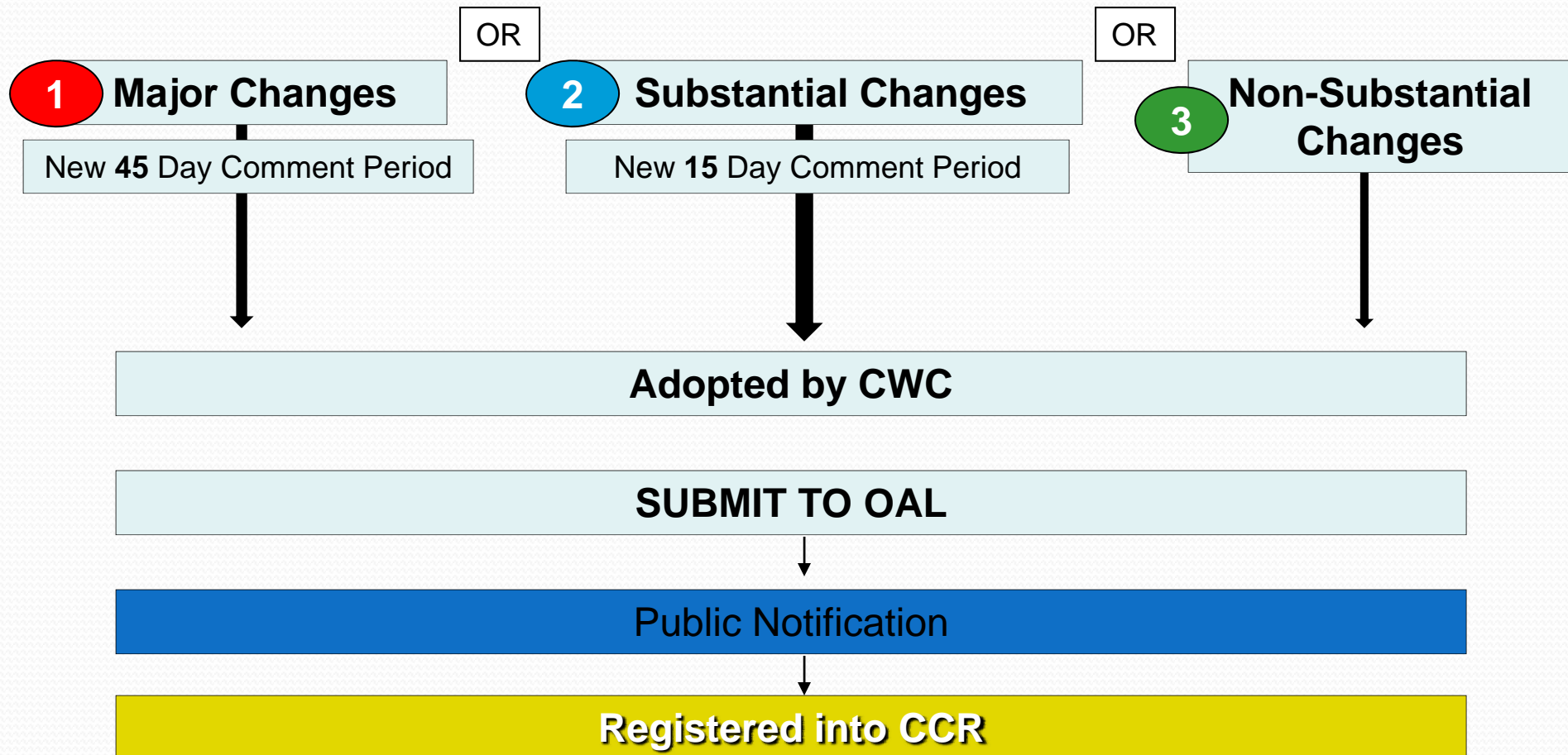
The written public comment period closes  
September 6, 2011 at 5:00 PM

---

A transcript of the public hearing and related  
exhibits or evidence will be a part of the  
**Department's Rulemaking Record** per  
Administrative Procedures Act or APA  
(Government Code Section 11340 et seq.).

# DWR Process for Revisions

## Intake of Public Comments





# Written Comments

The Department encourages the submittal of a written copy of your oral testimony and any supporting evidence.

**Must be received by 5:00pm September 6, 2011**

# Written Comments

**Must be received by 5:00pm September 6, 2011**

**Mail:**

Fethi Benjemaa  
Water Use and Efficiency  
California Department of Water Resources  
P.O. Box 942836  
Sacramento, CA 94236-0001

**Drop off:**

901 P Street, Suite 313A  
Sacramento, CA

**Email :**

[jemaa@water.ca.gov](mailto:jemaa@water.ca.gov)

**Or In Person:**

At the Public Hearings



# Conclusion

- Thank you for attending the public hearing on the Agricultural Water Measurement Regulation.
- We appreciate everyone taking the time to meet here today.
- Finally, if you are not on the Department's mailing list to receive future notices, please speak with a DWR staff member or leave your business card with us.
- We are adjourning at 12:00 pm

# Process Questions



Kent Frame  
916-651-7055  
[kframe@water.ca.gov](mailto:kframe@water.ca.gov)